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08 UNITED STATES DISTRICT COURT
09 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 UNITED STATES OF AMERICA,)
11 Plaintiff,) Case No. CR08-163-JLR
12 v.)
13 MALLORY NEHEMIAH BROWN,) SUMMARY REPORT OF U.S.
14 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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16 An evidentiary hearing on a petition for violation of supervised release was held
17 before the undersigned Magistrate Judge on October 29, 2008. The United States was
18 represented by Assistant United States Attorney Jared Bingham, and the defendant by
19 Kenneth Kanev. The proceedings were digitally recorded.

20 The defendant had been charged and convicted of Bank Robbery, in violation of 18
21 U.S.C. § 2113(a). On or about June 14, 2004, defendant was sentenced by the Honorable
22 James L. Robart to a term of fifty-one (51) months in custody, to be followed by three (3)
23 years of supervised release.

24 The conditions of supervised release included the requirements that the defendant
25 comply with all local, state, and federal laws, and with the standard conditions. Special
26 conditions imposed included, but were not limited to, substance abuse and mental health

01 programs, financial disclosure, \$381.00 restitution, search, 120 days electronic home
02 monitoring, now new lines of credit, no association with known gang members.

03 In a Petition for Warrant or Summons, dated October 8, 2008, U.S. Probation Officer
04 Jeri L. Sexton asserted the following violations by defendant of the conditions of his
05 supervised release:


- 06 (1) Committing the crime of Assault IV, on or about October 8, 2008, in violation
07 of the general condition requiring he not commit another federal, state or local
08 crime.
- 09 (2) Committing the crime of Theft III. On or about October 8, 2008, in violation
10 of the general condition requiring he not commit another federal, state, or local
11 crime.
- 12 (3) Using alcohol on October 8, 2008, in violation of special condition number
13 two.
- 14 (4) Failing to participate in the home confinement program with electronic
15 monitoring as directed by the probation office for a period of 120 days on
16 October 8, 2008, in violation of his special condition of supervised release.

17 On October 10, 2008, defendant made his initial appearance. The defendant was
18 advised of the allegations and advised of his rights. On October 29, 2008, defendant
19 appeared for an evidentiary hearing on the alleged violations. The case was submitted on
20 admission of a police report and on admission by defendant to alleged violation No. 4. The
21 Court reviewed the submitted police report and based on the review, recommends that the
22 Court find the defendant committed violations 1, 2 and 3.

23 I therefore recommend that the Court find the defendant to have violated the terms
24 and conditions of his supervised release as to violations 1, 2, 3 and 4, and that the Court
25 conduct a hearing limited to disposition. A disposition hearing on these violations has been
26 set before the Honorable James L. Robart on November 17th, 2008 at 1:30 p.m.

01 Pending a final determination by the Court, the defendant has been detained.

02 DATED this 29th day of October, 2008.

03 
04 JAMES P. DONOHUE
05 United States Magistrate Judge

06 cc: District Judge: Honorable James L. Robart
07 AUSA: Mr. Jared Bingham
08 Defendant's attorney: Mr. Kenneth Kanev
09 Probation officer: Ms. Jennifer Tien
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